

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SCOTT BLAIR,

*Plaintiff,*

v.

ALSTOM TRANSPORTATION, INC. and  
KAWASAKI RAIL CAR, INC.,

*Defendants.*

C.A. No. 1:16-cv-03391-PAE-JLC

DECLARATION OF ZAED M. BILLAH

I, Zaed M. Billah, declare as follows:

1. I am counsel for Defendant Kawasaki Rail Car, Inc. in this case. I submit this declaration in support of Defendant Kawasaki Rail Car, Inc.'s Motion for Judgment on the Pleadings and Dismissal with Prejudice, a Finding of Exceptional Case, and Recovery of Attorneys' Fees and Costs Pursuant to 35 U.S.C. § 285 and Fed. R. Civ. P. 54(d).
2. Attached as Exhibit A is a true and correct copy of U.S. Patent No. 6,700,602.
3. Attached as Exhibit B is a true and correct copy of Kawasaki Rail Car, Inc.'s Petition for *Inter Partes* Review of U.S. Patent 6,700,602 Under 35 U.S.C. § 312 and 37 C.F.R. § 42.104 filed on October 25, 2016 (Case No. IPR2017-00117).
4. Attached as Exhibit C is a true and correct copy of Japanese Pub. No. 04-085379 of Unexamined Pat. Appl. No. 2-128348 to Namikawa ("Namikawa").
5. Attached as Exhibit D is a true and correct copy of a certified English translation of Namikawa.

6. Attached as Exhibit E is a true and correct copy of Japanese Pub. No. 04-322579 of Unexamined Pat. Appl. No. 3-90761 to Sasao (“Sasao”).
7. Attached as Exhibit F is a true and correct copy a certified English translation of Sasao.
8. Attached as Exhibit G is a true and correct copy of Japanese Pub. No. H2-223985 of Unexamined Pat. Appl. No. H1-42966 to Amano (“Amano”).
9. Attached as Exhibit H is a true and correct copy of a certified English translation of Amano.
10. Attached as Exhibit I is a true and correct copy of Japanese Pub. No. H04-160991 of Unexamined Pat. Appl. No. H02-288142 to Maekawa (“Maekawa”).
11. Attached as Exhibit J is a true and correct copy of a certified English translation of Maekawa.
12. Attached as Exhibit K is a true and correct copy of the Decision Instituting *Inter Partes* Review in IPR2017-00117 entered on May 4, 2017.
13. Attached as Exhibit L is a true and correct copy of the Final Written Decision in IPR2017-00117 entered on May 2, 2018.
14. Attached as Exhibit M is a true and correct copy Kawasaki Rail Car, Inc.’s Petition for *Inter Partes* Review of U.S. Patent 6,700,602 Under 35 U.S.C. § 312 and 37 C.F.R. § 42.104 filed on March 6, 2017 (Case No. IPR2017-01036).
15. Attached as Exhibit N is a true and correct copy the Decision Instituting *Inter Partes* Review in IPR2017-0136 entered on September 12, 2017.
16. Attached as Exhibit O is a true and correct copy of the Final Written Decision in IPR2017-01036 entered on September 10, 2018.

17. Attached as Exhibit P is a true and correct copy of the Brief for Appellant, *Blair v. Kawasaki Rail Car, Inc.*, Case No. 2018-2098 (Fed. Cir.) filed on October 1, 2018.
18. Attached as Exhibit Q is a true and correct copy of the Brief for Appellee Kawasaki Rail Car, Inc., *Blair v. Kawasaki Rail Car, Inc.*, Case No. 2018-2098 (Fed. Cir.) filed on November 13, 2018.
19. Attached as Exhibit R is a true and correct copy of Reply Brief for Appellant, *Blair v. Kawasaki Rail Car, Inc.*, Case No. 2018-2098 (Fed. Cir.) filed on November 27, 2018.
20. Attached as Exhibit S is a true and correct copy of the judgment in *Blair v. Kawasaki Rail Car, Inc.*, Case No. 2018-2098 (Fed. Cir.) entered on August 8, 2019.
21. Attached as Exhibit T is a true and correct copy of a portion of the United States Patent and Trademark Office prosecution history for U.S. Patent No. 6,700,602.
22. Attached as Exhibit U is a true and correct copy of a judgment from the Federal Court of Canada dated September 10, 2014.
23. Attached as Exhibit V is a true and correct copy of an email from Darius Keyhani to Sheila Mortazavi sent on October 28, 2019.
24. Attached as Exhibit W is a true and correct copy of the transcript from the hearing in this case on June 5, 2017.
25. Attached as Exhibit X is a true and correct copy of the Record of Oral Hearing in IPR2017-001117 held on January 26, 2018.
26. Attached as Exhibit Y is a true and correct copy Japanese Pub. No. H07-181900 of Unexamined Pat. Appl. No. 5-344760 to Miyajima (“Miyajima”).
27. Attached as Exhibit Z is a true and correct copy of a certified English translation of Miyajima.

28. Attached as Exhibit AA is a true and correct copy of Japan Train Operation Association Magazine, Vol. 37, issue no. 3 dated March 1, 1995 (“JTOA Magazine”).
29. Attached as Exhibit BB is a true and correct copy of a certified English translation of JTOA Magazine.
30. Attached as Exhibit CC is a true and correct copy of the mandate issued in *Blair v. Kawasaki Rail Car, Inc.*, Case No. 2018-2098 (Fed. Cir.) entered on September 16, 2019.
31. Attached as Exhibit DD is a true and correct copy of the cover letter for plaintiff’s November 14, 2016 Infringement Contentions.
32. Attached as Exhibit EE is a true and correct copy of a U.S.P.T.O. Office communication in control no. 90/001,861 dated September 29, 2011.
33. Attached as Exhibit FF is a true and correct copy of the Statement in Support of Request for Reexamination of U.S. Patent No. 6,700,602 dated August 16, 2011.
34. Attached as Exhibit GG is a true and correct copy of Patent Owner’s Supplemental Response in IPR2017-01036 filed on June 8, 2018.
35. Attached as Exhibit HH is a true and correct copy of Passenger Equipment Safety Standards, 61 Fed. Reg. 30672 (June 17, 1996).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 9, 2019

  
Zaed M. Billah

**CERTIFICATE OF SERVICE**

I hereby certify that on December 9, 2019, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/Sheila Mortazavi  
Sheila Mortazavi